



1728 # TW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ESAB AB

Serial Number: 09/402185

Filed: 9/28/99

For: METHOD AND APPARATUS FOR FRICTION STIR WELDING

Attorney Docket Number: 5746

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
and
PETITION FOR AN EXTENSION OF THE TERM

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313

December 19, 2005

Sir:

This communication is responsive to the Notice of Non-Compliant Amendment dated October 17, 2005 having a 1-month period for reply. December 17, 2005 was a Saturday. Accordingly, this response is timely filed on Monday December 19, 2005.

REMARKS

Claims 1 - 37 were pending in the present application and new claims 38 and 39 were added in the Response to the April 1, 2005 Official Action.

The Legal Instruments Examiner objected to the October 3, 2005 amendments because claims 1 -2, 4, 8 and 10 - 12 were allegedly cancelled in an August 17, 2004 amendment. Applicant respectfully asserts that claims 1 -2, 4, 8 and 10 -12 were not cancelled in an August 17, 2004 response.

The August 17, 2004 response was not entered and in fact non-entry was specifically requested. Instead a Response and amendment was filed September 28, 2004. The September 28, 2004 response contained claims 1 - 37. As noted by the Examiner in the April 1, 2005 Official Action "Claims 1 - 37 is/are pending in the application." Furthermore, the Examiner substantively examined all Claims 1 - 37 including claims 1 - 2, 4, 8 and 10 -12.

The April 1, 2005 Official Action states that Claims 3 - 7 and 9 - 31 were allowed and that claims 32 - 37 would be allowable if rewritten or amended to overcome the

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